

BILL NO. Z-71-10-~~08~~

ZONING MAP ORDINANCE NO. Z-163-71

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. A-9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols on the City of Fort Wayne Zoning Map No. A-9 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

A portion of land located on the northeast corner of Dunnwood Drive and Clinton Street; Lots 16, 17, 18 and 19 in France Addition to the City of Fort Wayne.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Herbert G. Tipton
Councilman

APPROVED AS TO FORM
AND LEGALITY,

[Signature]
C.H. ATTORNEY

Read the first time in full and on motion by Tipton seconded by
Dunifon, and duly adopted, read the second time by title and referred
to the (Committee on) Regulations (and to the City Plan
Commission for recommendation) (and Public Hearing to be held after due legal notice,
at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____
the _____ day of _____ 19_____, at _____ o'clock
P.M., E.S.T.

Date: 10-12-71

Harold J. Bonahoom
City Clerk

Read the third time in full and on motion by Tipton
seconded by Gake and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
<u>7</u>	<u>1</u>	_____	<u>1</u>	to-wit:

Adams	<u>/</u>	<u>/</u>	_____	_____
Dunifon	<u>/</u>	_____	_____	<u>/</u>
Fay	_____	_____	_____	_____
Gake	<u>/</u>	_____	_____	_____
Nuckols	<u>/</u>	_____	_____	_____
Robinson	<u>/</u>	_____	_____	_____
Rousseau	<u>/</u>	_____	_____	_____
Steigerwald	<u>/</u>	_____	_____	_____
Tipton	<u>/</u>	_____	_____	_____

Date 12-28-71

Harold J. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. Z-163-71

on the 28th day of December, 1971.

ATTEST: (SEAL)

Harold J. Bonahoom
City Clerk

John H. Thompson
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day
of December, 1971 at the hour of 8:30 o'clock A.M., E.S.T.

Harold J. Bonahoom
City Clerk

Approved and signed by me this 29th day of December, 1971,
at the hour of 9:02 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 12, 1971, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-71-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

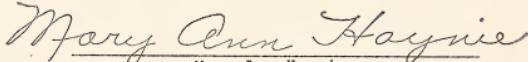
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 15, 1971;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the city, and the amendment will be detrimental to and conflicts with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 22, 1971.

Certified and signed this
30th day of November 1971.


Mary Ann Haynie
Mary Ann Haynie
Secretary

Bill No. Z-71-10-08

[Signature]

REPORT OF THE COMMITTEE ON Regulations

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. A-9.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance *do* PASS.

HERBERT G. TIPTON, Chairman

JACK K. DUNIFON, Vice-Chairman

THOMAS G. ADAMS

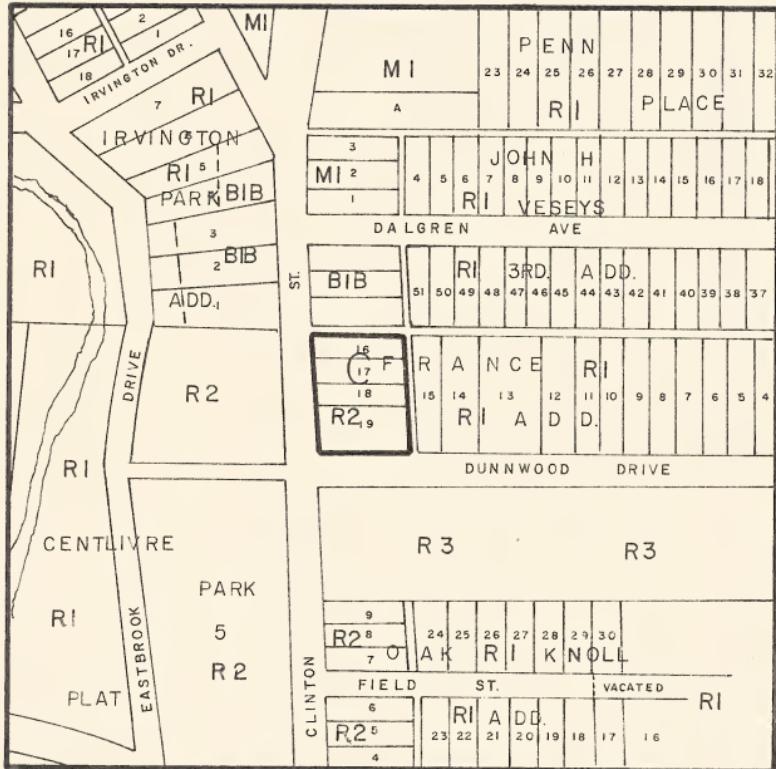
WILLIAM K. GEAKE

DONALD J. SCHMIDT

Herbert G. Fipton
Jack E. Dammer
W. R. Gacke
O. Schmitt

CONCLUDING

DATE 12-28-71 PHAD G. LEWIS BORN, CITY CLEN



PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

No. _____

DATE FILED: _____

INTENDED USE: Bridal ShopI/W/William W. Fisher and E. Wendell Knight

Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by reclassifying from an R-2
 District to a B 1 B District the property described as follows:

A portion of land located on the northeast corner of Dunnwood Drive and Clinton Street.

General Description (Prepared by Planning Staff)

Plat of France Addition Lots 16, 17, 18, and 19.

Book 10, page 68 - recorded in Allen County Recorder's Office

Legal Description

Legal Description Checked by (City Engineer)

Wendell Knight Jr.
Re: Boyce

The Undersigned applicant (s) upon the execution and submission of this application and petition for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or for the ordinance to be taken under advisement is filed within the required time, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. Also, in the event, a request is filed for continuance or delay in the consideration of an ordinance, it shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and informing him of the time and place of the next meeting at which the proposed ordinance will be considered. In the event the time and place of the meeting is not known at the time that the request for continuance is filed, it shall be the duty of the petitioner to notify all persons notified by the Plan Commission Office when the time and place of hearing is determined.

I/We hereby certify that as the undersigned, I am / We are the owner (s) of fifty-one percentum or more of the property described in this petition.

E. WENDELL KNIGHT

Name

3330 Longmeadow Dr.

Address

Wendell Knight Jr.

Signature

WILLIAM W. FISHER3330 W. ClintonWilliam W. Fisher

This petition for zoning ordinance amendment prepared by:

1839 Vance AvenueName Timothy J. Boyce

Address

484-3566

Telephone Number

City Plan Commission - One Main Street - City-County Building - Fort Wayne, Indiana - 423-7571



City of Fort Wayne

Traffic Engineering Dept.
Thomas A. Manny, Traffic Engineer
City-County Building
One Main Street
Fort Wayne, Indiana 46802

December 8, 1971

Mrs. William J. Schuhler
1605 Alabama Avenue
Fort Wayne, Indiana 46805

Dear Mrs. Schuhler:

Please be advised this office has reviewed the proposed plans for the Bridal Shop at 3014-16 North Clinton Street.

It is our opinion that access to the property could adequately be served by one driveway. The design geometrics must conform to the Indiana State Highway requirements. The off-street parking facility for the properties involved should be designed in such a manner as to be served by the one point of access and could be shared on a cooperative basis.

Very truly yours,

A handwritten signature in black ink that reads "T.A. Manny".
Thomas A. Manny,
Traffic Engineer

TAM/jn

cc: D. Schmidt



A G R E E M E N T

We, William J. and Agnes Schubell
Helen M. Woreck Brenda Knight,

being the owners of real estate in Allen County, Indiana, described as follows: Lot 17 & 18 (corner addition to the city of Fort Wayne), Allen County, Indiana, according to the plat thereof recorded in Plat Record 10, page 8 in the office of the Recorder of Allen County Indiana, excepting right of way and roadway (3014 North Clinton Street, Fort Wayne, Indiana), in consideration of permission granted by the Common Council of the City of Fort Wayne with the approval of the Mayor to use said real estate for Bridal Shop, hereby agree with the City of Fort Wayne as follows:

We will install a sanitary (or storm) sewer at our expense to serve said real estate and to meet the requirements of the area arising from said use according to the specifications of the City Engineer.

(We will install landscaping and planting on the real estate as shown on the plans attached hereto and made part of this Agreement as Exhibit "A")

(We will construct acceleration and deceleration lanes at our expense as shown on the plans attached hereto and made part of this Agreement as Exhibit "A")

We will complete said work within six months after building permits for the erection of driveway on the real estate are issued. If the work under this Agreement is not so completed, all construction work on the real estate shall stop forthwith, and all use of the real estate for Bridal Shop

and uses accessory thereto shall stop forthwith. This Agreement may be enforced by the City of Fort Wayne by injunction or otherwise.

Witness our hands and seals this 1 day of Dec.,

19671

William F. Liskowits

William J. Schuhler (SEAL)

Alice M. Schuhler (SEAL)

W^t Tony Public
My Commission Expires 1-23-73

Helen Gradel

Prepared by

Alice M. Schuhler.

RECEIPT

N^o 98

GENERAL FUND

FT. WAYNE, IND.

Sept. 10 1971

RECEIVED FROM Timothy J. Boyce \$ 50 00
THE SUM OF Fifty ^{70/100} DOLLARS
ON ACCOUNT OF Petition to Rezone Lots 16, 17, 18 & 19
France Addition, Fort Wayne Ind.
Sylvia B. Huffman
AUTHORIZED SIGNATURE

1 —— TO DALBERG
TO PARNAKK

ALLEY

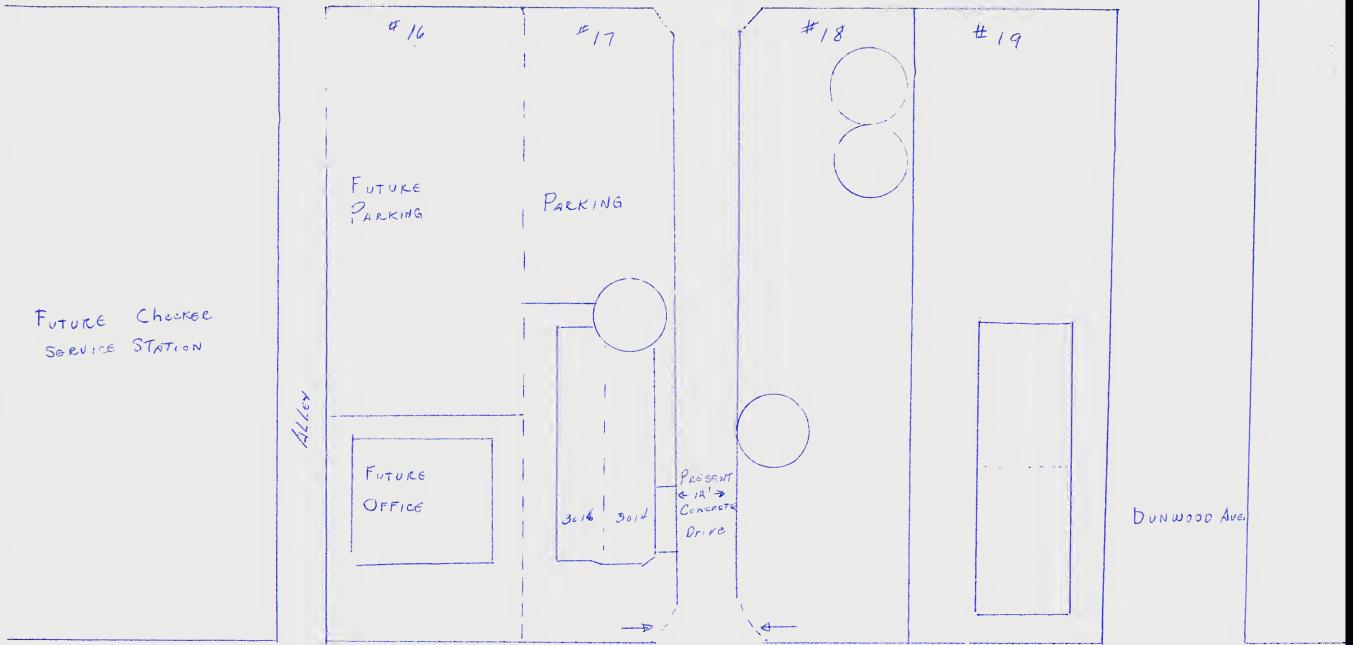


Exhibit A.

William H. Fisher Jr.

ISHC WITH Requirements

ORIGINAL BY THOS. MANNY



City of Fort Wayne

City Plan Commission
William J. Jones, Director
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Tom:

These are the agreements signed and certified.

Mrs. Schuhler brought these into the office and I told her I would forward them on to you.

Patsie



RESTRICTIVE COVENANT

We, William J. and Alice M. Schuhler,

being the owners of the real estate in Allen County, Indiana, described as follows:

Lots 17 & 18 (First addition to the city of Fort Wayne), Allen County, Indiana, according to the plat thereof recorded in Plat Record 10, page 68 in the Office of the Recorder of Allen County, Indiana, excepting right-of-way roadway (3014 North Clinton Street, Fort Wayne, Indiana) in consideration of permission to use said real estate for Bridal Shop, hereby covenant and agree, for ourselves, grantees, personal representatives, successors and assignees as follows:

We will not erect, or permit to be erected, any building or structure of any nature on said real estate nearer than _____ feet to the _____ line of the right-of-way of _____.

(No part of said real estate shall be used for _____).
_____.

(There shall be no ingress or egress to or from said real estate from North Clinton Street except present driveway on lots 17 and 18. Lot 16 to use some drive with future parking in rear of lot 16.)

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within five hundred feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

Witness our hands and seals this 1 day of Deca,
19671.

William J. Schuhler (SEAL)

Alice M. Schuhler (SEAL)

William H. Fisher Jr.

Helen M. Woull

Wendell Wright

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a notary public in and for said County and State this
1 day of December, 1971, personally appeared _____
William J. Schuhler
Alice M. Schuhler

and acknowledged the execution of the above Restrictive Covenant to be their
voluntary act and deed.

(SEAL)

My Commission Expires:

1-23-73

Helen Gisold
Notary Public

PREPARED BY

Alice M. Schuhler

RESTRICTIVE COVENANT

We, William J. and Alice M. Schuhler,

being the owners of the real estate in Allen County, Indiana, described as follows: Lots 17 & 18 (one-half acre) in the city of Fort Wayne, Allen County, Indiana, according to the plat thereof recorded in Plat Record 10, page 68 in the office of the Recorder of Allen County, Indiana, excepting right of ways and easements.

(3014 North Clinton Street, Fort Wayne, Indiana)
in consideration of permission to use said real estate for Bridal Shop

, hereby covenant and agree, for ourselves, grantees, personal representatives, successors and assignees as follows:

We will not erect, or permit to be erected, any building or structure of any nature on said real estate nearer than _____ feet to the _____ line of the right-of-way of _____.

(No part of said real estate shall be used for _____).

(There shall be no ingress or egress to or from said real estate from North Clinton Street except present driveway lot 17 and 18. Lot 16 to use same drive with future parking in rear of lot 16.

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within five hundred feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

Witness our hands and seals this 1 day of Dec.,
1967.

William J. Schuhler (SEAL)

Alice M. Schuhler (SEAL)
William H. Fisher Jr.
Helen M. Woule
Mendell Ding

STATE OF INDIANA)
)
COUNTY OF ALLEN) SS:

Before me, a notary public in and for said County and State this

1 day of December, 1967, personally appeared _____
William J. Schuhler
Alice M. Schuhler

and acknowledged the execution of the above Restrictive Covenant to be their
voluntary act and deed.

Jules Gundel
Notary Public

(SEAL)

My Commission Expires:

1-23-73

PREPARED BY Alice M. Schuhler.

A G R E E M E N T

We, William J and Alice M Schubler,
Helen M. Wayne, Kendell Wright,

being the owners of real estate in Allen County, Indiana, described as follows:
Lot 17, 1/8 French Addition to the city of Fort Wayne, Allen County, Indiana, according to the plat thereof recorded in Plat Record 10, page 68 in the office of the Recorder of Allen County, Indiana, excepting right of ways and roadways
(3014 North Clinton Street, Fort Wayne, Indiana)

in consideration of permission granted by the Common Council of the City of Fort Wayne with the approval of the Mayor to use said real estate for _____

Bridal Shop, hereby agree with the City of Fort Wayne as follows:

We will install a sanitary (or storm) sewer at our expense to serve said real estate and to meet the requirements of the area arising from said use according to the specifications of the City Engineer.

(We will install landscaping and planting on the real estate as shown on the plans attached hereto and made part of this Agreement as Exhibit "A")

(We will construct acceleration and deceleration lanes at our expense as shown on the plans attached hereto and made part of this Agreement as Exhibit "A")

We will complete said work within six months after building permits for the erection of driveway on the real estate are issued. If the work under this Agreement is not so completed, all construction work on the real estate shall stop forthwith, and all use of the real estate for Bridal Shop

and uses accessory thereto shall stop forthwith. This Agreement may be enforced by the City of Fort Wayne by injunction or otherwise.

Witness our hands and seals this 1 day of Dec,

19671.

Notary Public, Helen Gruel
My Commission Expires 1-23-73

William H. Fisher Jr.

William J. Schuhler (SEAL)

Alice M. Schuhler (SEAL)

Prepared by

Alice M. Schuhler .

TO DALGREN

ALLEY

FUTURE
CHECKER
SERVICE STATION

LOT # 16

LOT # 17

LOT # 18

LOT # 19

FUTURE

PARKING

PARKING

ALLEY

FUTURE
OFFICE

30' 6" 30' 4"

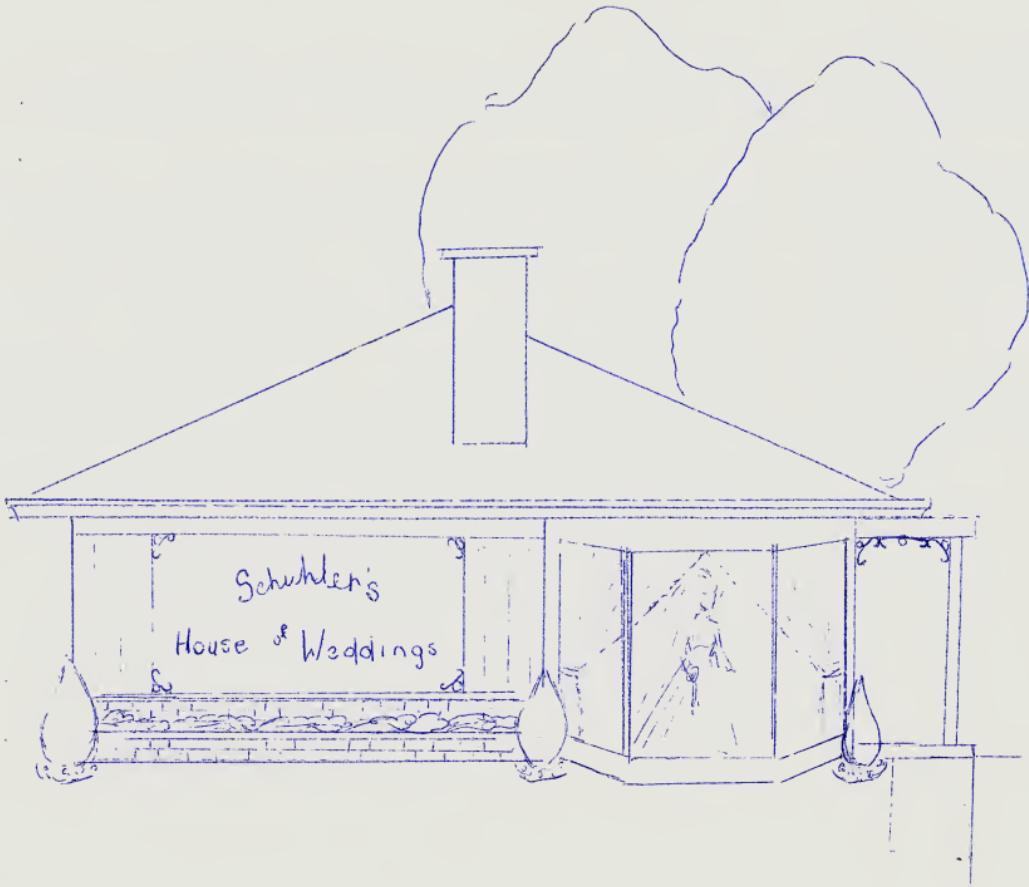
PRESENT
-12' →
CONCRETE
DRIVE

DUNWOOD

DESIGN To Comply
WITH ISHC Requirements

Exhibit A

ORIGINAL By T.H.S. Martin



December 2, 1971

Dear Mr. Jones,

Thank you for agreeing to furnish City-Council members with a letter stating that re-zoning of the property at 3014-16 North Clinton meets with your approval.

This business zoning is necessary for our bridal shop and Mr. and Mrs. Schuhler, my husband and I are grateful for your sincerity and your help.

Per today's telephone discussion, I have alerted our councilmen that a letter of approval will be forthcoming from you.

We, too, want what is best for Fort Wayne.

Very truly yours,

Mrs. Paul J. Peterink



City of Fort Wayne

City Plan Commission
William J. Jones, Director
City-County Building
One Main Street
Fort Wayne, Indiana 46802

December 6, 1971

Mr. Thomas Adams
1729 Emerson Avenue
Fort Wayne, Indiana 46808

Dear Tom:

Re Bill No. Z-71-10-08 3014-16 No. Clinton Street for Bridal Shop.

Since the last Plan Commission meeting at which time we gave a DO NOT PASS to the above ordinance, Mrs. Schuhler, the petitioner, and I have discussed the reasons for the Plan Commission recommendation. You will recall that one of the reasons for a DO NOT PASS was the concern of the Plan Commission of the effect this rezoning would have on the widening of North Clinton Street.

Also, we have discussed this matter with Tom Manny. Tom and I agree that if the rezoning does pass that it should be done on condition that only one access be permitted for the lots owned by Mr. William Fisher and Mrs. Schuhler. Also, that the access will be designed in accordance with State standards. Mrs. Schuhler has a drawing and the necessary agreements to this effect.

Also, I would recommend that if the Common Council is of a mind to pass this ordinance that the properties owned by Mr. Fisher and Mrs. Schuhler be the only ones rezoned and the other be perfected out of the ordinance since they are not involved in the agreement controlling the access.

In order to clear the records, I should make it clear that Tom Manny or myself are not recommending that the Common Council override the Plan Commission; however, we are saying that in the event this does occur it should be done on the basis described above.

Respectfully submitted,

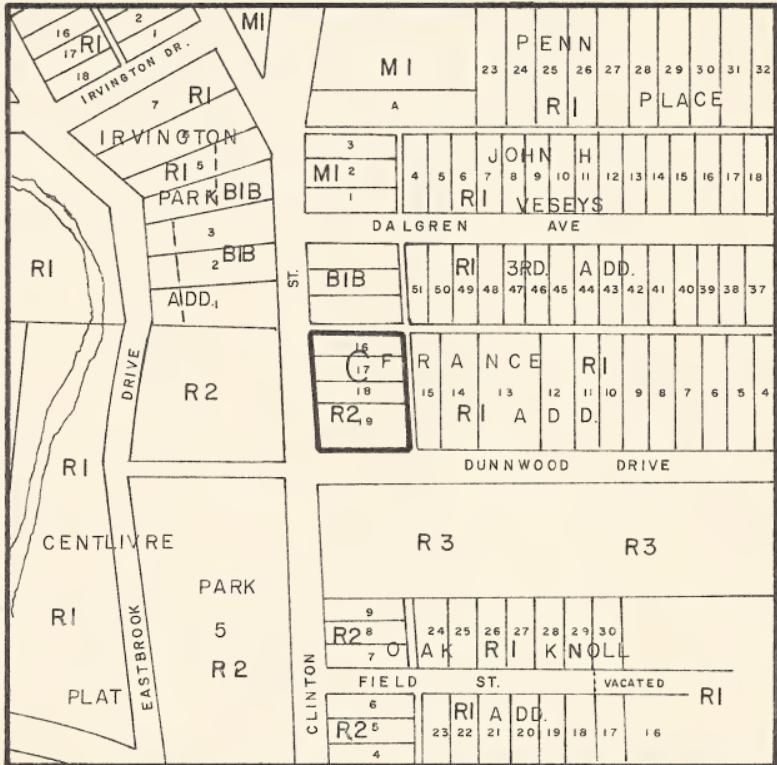
CITY PLAN COMMISSION

Bill
William J. Jones
Director of Planning

WJJ:mo



cc: Jack K. Dunifon
File



C CHANGE FROM R2 TO BIB

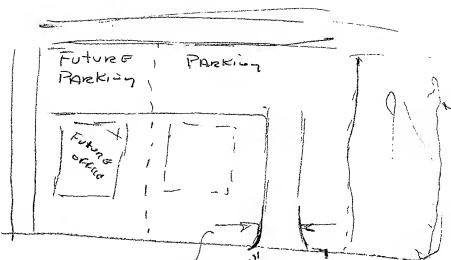
Mr. and Mrs. Paul J. Peterink
5810 Fernwood Drive
Fort Wayne, Indiana 46809

Dear Mr. & Mrs. Peterink

Enclosed is a copy of the
letter that you said I sent to
Mr. Jones at the American
conventions -

Freightless to being
freightless -

Very truly yours,
Mrs. Walter Oberndorf



Design to Comply
with I.S.H.C. Requirements

